

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**KEYSTON JAMORY WEST,**

**Petitioner,**

**v.**

**CIVIL ACTION NO. 3:05-CV-103  
CRIMINAL ACTION NO. 3:00-CR-6  
3:00-CR-46  
(BAILEY)**

**UNITED STATES OF AMERICA,**

**Respondent.**

**ORDER GRANTING PETITIONER'S MOTION TO REINSTATE PETITION, AND  
VACATING ADOPTION OF REPORT AND RECOMMENDATION**

The above styled case is currently before the Court on petitioner's Motion to Reinstate Petition [Cr. Doc. 537/180]. On November 28, 2007, this Court granted petitioner an extension of time to file objections to the Report and Recommendation of United States Magistrate Judge James E. Seibert ("R & R"). [3:00-cr-6 Doc. 503]. On November 14, 2007, the Court had, however, already adopted the R & R (based in part on petitioner's failure to file objections within the ten days allotted). In petitioner's Motion to Reinstate Petition [Cr. Doc. 537/180], he argues that because the extension was granted and his failure to file objections in a timely fashion was for good cause, this Court should grant his motion and review his objections to the R & R. This Court agrees.

As such, petitioner's Motion to Reinstate Petition [Cr. Doc. 537/180] is **GRANTED**, the adoption of the R & R [Cr. Doc. 501/152; Cv. Doc. 12] is hereby **VACATED** and petitioner's petition is **reinstated**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein and to mail a copy to the *pro se* plaintiff.

**DATED:** July 6, 2009



JOHN PRESTON BAILEY  
CHIEF UNITED STATES DISTRICT JUDGE